



BOARD OF SELECTMEN

TOWN OF TEWKSBURY

TOWN HALL

1009 MAIN ST

TEWKSBURY, MASSACHUSETTS 01876

SCOTT WILSON, CHAIRMAN
DOUGLAS W. SEARS, VICE CHAIRMAN
JAMES D. WENTWORTH, CLERK
DAVID H. GAY
TODD R. JOHNSON

TEL (978) 640-4300
FAX (978) 640-4302

MEETING MINUTES NOVEMBER 5, 2013

Chairperson Scott Wilson called the meeting to order at 7:06 p.m. Present for the Board of Selectmen meeting were Doug Sears, Vice Chair; James Wentworth, Clerk and Board Members, David Gay and Todd Johnson. Richard Montuori, Town Manager and Attorney Charles Zaroulis were present.

Recycling Committee

Loretta Ryan of 55 Minuteman Way, Sandy Barbeau of 80 North Street were present on behalf of the Tewksbury Recycling Committee.

Mr. Bill LaBelle, Director of Operations for Goodwill presented to the Selectmen the textile donation campaign which will be held on Saturday November 16 at the Tewksbury Public Library. Goodwill can accept all textile goods except, wet hazardous material or anything with human waste on it, no power equipment, anything alive or any televisions. Stuffed animals, clothes, house wares, most all of the usual items can be accepted. The Library has been kind enough to host the event. Goodwill staff will be present and will bring a trailer to load all items. They will also provide a report containing how much tonnage and how many donators per hour.

The committee is advertising on its Facebook page and an email blast from Zero Waste Day will also use public bulletin boards and public Tewksbury TV station. Goodwill can also use their social media outlets as well to communicate this drive.

The Recycling Committee invited Selectmen members to a future meeting as members meet once a month at the public library. Currently the committee has 5 members and need 3 to 4 more.

Beth McFadden was present to provide the Zero Waste Day results. It was an extremely successful day. There were 14 participating organizations with over 421 donors, including 44 from 12 other communities. Other communities are advertising the Tewksbury event. There were more than 70 volunteers from the Recycling Committee, the Congregational Church and community members. The town recycle almost 10,000 pounds of electronic equipment, 679 pounds of batteries. A 48 foot tractor trailer from the Lowell Wish Project was packed early in the day. A 14 foot box truck was filled of baby care items for the community Giving Tree which serves Lawrence. An extraordinary amount of household goods were collected and given to the Mission of Deeds, Project Home Again. Also reusable windows, doors, wood, paint, tools and tile were collected for Boston Building Resources. 135 tires were collected and recycled by the Central Mass Mosquito Protection Program as these are the biggest collectors of water and breeding mosquitoes. More than 2,400 books, CDs, DVDs and other media was collected for More Than Words, serving youth in Foster Care. Two SUVs full of gently used pet care items for MSPCA at Nevin's Farm and the Lowell Humane

Society were collected. Many residents instead of waiting for a year are driving to locations for different drives. Hoping to inspire other communities to have their own Zero Waste Day and have created a six month planning guide for communities to use. The Recycling Committee took a small portion of the electronic recycling to signage and posters etc. Next Zero Waste Day is scheduled for September 27, 2014. It takes a village to do this event and it is a feel good event; it is expected and wanted in our town. Residents are encouraged to visit ZWD.org to find organizations to donate to year round.

Resident Thomas Skowronski re: 40 Navillus Road

Thomas Skowronski of 45 Navillus Road presented to the Board of Selectmen.

Several residents of this neighborhood along with Mr. Skowronski were present for this discussion. He handed out to the Board a packet of information he had found during his research on how to open a sober living home. There were several examples of zoning information and letters sent to the owner of 40 Navillus Road, by the name of Cormier.

Mr. Skowronski noted that the building has 14 occupants which in his opinion would violate code for how many people can occupy this residence. He feels this is not about disabilities but is about zoning violations as these conditions were put in place in 1985. It is his understanding that Mr. Sean Sugrue will buy the property and Susan Timmons will manage it. It was not noted whether the sale had taken place at this time. The home is not fully handicapped accessible as state requires it to be. Mr. Skowronski also gave examples of reasons sober housings have been closed.

Mr. Wilson made it clear to the residents that the town has been doing research on this matter and Selectmen will not be making a decision tonight as it is not clear they are able to make any decisions on this matter. The Selectmen will hear the residents speak tonight, but there are no questions or comments they can make on this matter at this time.

Mr. Skowronski noted that the town has been good to work with and Mr. Montuori had been very good about updating him. Mr. Montuori noted this is new territory for the town and confirmed to the residents that diligent research is being done. He has had the opportunity to meet with Mr. Sugrue and Ms. Timmons on this topic along with their attorney Rick O'Neill. Town Counsel is currently still researching and does not have many of the answers tonight. It was confirmed that Phillip Comier owns the property.

Mr. Zaroulis noted the owner has the right to lease the property to anyone. The problem is the town and residents need to realize that the zoning bylaws do not apply unless substance abuse or criminal activities are going on in the home. Zoning bylaws do not address the number of people who live at that property; nor do they say they have to be blood relative. The statute specifically states that cannot no party can discriminate against a disabled person under the Fair Housing Act and the American's with Disabilities Act. If this is done it will put the town and individuals at risk or o damages and legal fees. There have been several cases where an alcoholic or drug addict as long as in recovery are deemed to be a disabled persons and have the right to live in a group in a single family home, as long as if they are not drinking or taking drugs. If these individuals are not living clean they lose privileges. The Selectmen will not make any decisions by community pressure or any decision that diversely affects a person in a home as it can be used as evidence against the town in a discriminatory claim. Mr. Zaroulis does not believe the October 2 letter was never sent; and was probably inadvertently given to Mr. Skowronski as Mr. Zaroulis advised not to send. There are no

specific licenses or permits to operate a sober house. An individual can open up a sober house without licenses from the state.

The Selectmen are not in a position to take comment and it was stated this is not a public hearing. The Selectmen do not have enough information to make any judgments or decisions on this matter and there is nothing to vote on or decide on and does not have jurisdiction on this matter. The only persons that have jurisdiction are the inspectors. The Selectmen agreed to listen to the residents as many came prepared to speak but doesn't make a lot of sense to have a long discussion.

The Town Manager and Town Counsel Can set up meetings with residents who request time.

Will Turner of 81 Navaluss Road spoke about his work with disabled veterans and stated this item is not about disabilities but is about the safety of the residents. He feels the fire code is being violated. Mr. Turner was told that is a separate issue and need to discuss with the Fire Chief what he is doing about his. Residents have the right to appeal to the state's Sprinkler Board. Residents were advised to separate the code violations and the zoning issues. Mr. Turner personally requested a meeting with Town Counsel and Town Manager.

A notebook was passed around the room for residents contact information so the Town Manager can email those interested in more information going forward.

William Dion of 25 Seneca Road has been a homeowner for over 30 years and lives within 150 feet of this resident subdivision. Property is located in a cul-de-sac. Is unclear what the code violation concerning how many people can be in a certain amount of square footage; and if the use of drugs and alcohol is in question.

Mr. Skowronski asked about the structure being handicapped accessible; and Mr. Zaroulis responded he was not sure if it is needed to make an accommodation as long as not having the building handicapped accessible doesn't affect the health and safety of the residents according to ADA, in other words if life or safety is not going to be affected by making an accommodation or not.

The Town Manager will follow-up with residents once more research is done on this matter.

Economic Development Presentation

Mr. Steve Sadwick, Mr. Christopher Wilcock and Mr. Richard Montuori presented on behalf of the Economic Development Committee. They gave an overview of the EDC and types of business in the community. All departments are doing a wonderful job on development. Economic development is about job creation, private investment, and increase to tax base.

Employment

- Labor force is residents who can work and do have employment; work force is jobs in town
- Labor force in Tewksbury is 16,794 and 15,702 of these residents are employed
- Unemployment is 5.5% for state and town is 6.5%

A change in local labor force from 2010 to 2013 information was provided by NMCOG. Tewksbury has an increase of 5% and Massachusetts overall has had a 2.4% increase. Employment and industry in Tewksbury from 2002 to 2012 gave an average monthly employment of 15,855 to 12,876. The number of establishments rose from 790 to 821.

A list of commercial development parcels included parcels on Radcliff Road (former Abbot Industries site); 836 North Street (former Wang building) a number of businesses have moved into this site, including Corning Glass, Philips Medical and WWTS (Worldwide Technical Services) as their headquarters, 890 East Street (former Accusphere Site), and Clark Road where TJ Distribution Center was located. The town is still receiving taxes but adjusted the amounts due to vacancy. Retail locations such as Wamesit Plaza still have vacant space and are slowly becoming occupied. Properties not being developed-- not for lack of trying as the town did what was supposed to but developer did not follow through are:

- 1771 Main Street Heath Brook Plaza
 - Sent a letter to the owners to requesting owners to work with town and revitalize the property; the town did not receive response
 - Property is leased to Stop and Shop for approximately another 10 to 15 years unless it is purchased
 - The Town has discussed the property with real estate agents cannot make headway with the current owners; there is approximately 34 acres at this site
 - This property is similar to the Purity site as the town had to wait until the lease expired to have Ocean State buy the plaza
- Funland
 - Sent letters and no response from owners
 - Access is big problem and hindering redevelopment
- Simon's Property
 - Buildable and no activity on parcel unless off ramp is can be developed
 - Largest available for development
 - No local access to the property and is land locked.
- 300 Ames Pond
 - Would like commercial industrial development to meet criteria for commercial development
 - Have not had any plans come through on development interests but no action

There are protective zoning for farming and conservation etc. The great swamp and will not be developed. Need to attend to more commercial base which can have a higher tax base.

Will research land locked property with other community contact to see what they are doing in these situations; and how they can be expedited to development. All communities wrestle with the same issue. There are towns that have ordinances to clean up properties and the committee has this on their radar. Need to create a bylaw to help and give town leverage to have the owner cleanup sites. This has been brought to the town bylaw committee and is a priority. Attorney General's office is helping to take care of the abandoned properties. The town has tried to get private investors but not gone anywhere due to access or price.

Commercial industrial values did not increase much at all.

Accomplishments

- EDC brought before the Selectmen in November 2007; David Plunkett and Nancy Reed of Planning Board initiated this and the committee was created December 2008
- 43D expedited permitting and also collaborative permitting across communities "tri-town"
- Development of Bio-ready facility status

- Developed business plan with Thermo Fisher
- 1900 Main Street was a very dilapidated plaza with Cathay Palace and a small Market Basket store, has now expanded tremendously
- Mixed use project with Metro Credit Union and put traffic light at the end of Victor Drive along with a 40B housing development behind this property

What attracts Business Development?

- Confidentiality very important

What is the future plan?

- Focus on Route 38 and improvements to this road from Lowell line to Wilmington line
 - Turning lanes, sidewalks installed and better pedestrian access are focus
- Continue to identify priority sites
- Identify zoning process changes that could help
 - Current process is good but willing to research and improve as necessary
- Improve marketing

The Economic Development Committee is not standing by idle. New town buildings include a police station, a public library, the Wynn School, the Ryan School, Tewksbury High school, a senior center and soon town hall.

Mr. Montuori apologized for not sending the presentation to the Selectmen before tonight. Selectmen appreciated not having a preview as none of the members had a preconceived idea on what was being presented. The Selectmen agreed to have a quarterly update. Town manager agreed and also mentioned bringing back the quarterly financial report to the Selectmen. It was agreed to start quarterly reporting after January 1, 2014

Residents

No residents rose to speak in the audience.

New Business

Appointments to be Completed

Historical Committee

MOTION: Mr. Sears made the motion to approve the application of Tom Churchill or 174 Apace Way to the Historical Committee through June 30, 2014; seconded by Mr. Gay and the motion carried 5-0.

Green Committee

Mr. Fugarazzo resides in Wayland, MA and is an employee at Raytheon with extensive experience in energy conservation, renewable power and Facility sustainability.

MOTION: Mr. Johnson made the motion to approve the application of Steve Fugarazzo to the Green Committee through June 30, 2015; seconded by Mr. Sears and the motion carried 5-0.

Economic Development Process Review Committee

Have received applications from Timothy Barnes of 212 Kendall road, Daniel Elliman of 67 Catamount Road, James Keeley of 10 Prospect Hill Drive, Joseph Giaimo of 28 Judique Road and Marko Duffy. Susan Amato has also expressed interest in the review committee if needed.

MOTION: Mr. Johnson made the motion to approve the application of Timothy Barnes, James Keeley, Joseph Giaimo, and Susan Amato to the Economic Development Process Review Committee through June 30, 2014; seconded by Mr. Sears and the motion carried 5-0.

Once committee is in place then the committee will assess the need for continued activity. Todd Johnson will serve as the Selectmen Representative and David Plunkett as the Planning Board Representative.

Economic Development Committee

It was noted the Finance Committee should be aware of their vacant seat for the Economic Development Committee.

MOTION: Mr. Gay made the motion to approve the application of Patricia Lelos and Brian Linder to the Economic Development Committee through June 30, 2014; seconded by Mr. Sears and the motion carried 5-0.

If the committee members are increased to 7 then 1 more resident can be appointed. David Gay is the Selectman Representative; David Plunkett is the Planning Board Representative, and the Finance Committee Representative is vacant at this time.

Beautification Committee

MOTION: Mr. Sears made the motion to approve the application of Joseph Mazzola of 39 Brown Street, Jacqueline Stone of 101 Windsor Drive, Paige Impink of 30 Geddes Drive Sandy Wilson of B204 Archstone Avenue, and Tracy Clement of 40 Stuart Avenue (who works for Enterprise Bank in Tewksbury) to the Beautification Committee through June 30, 2014; seconded by Mr. Gay and the motion carried 5-0.

Town Center Master Plan Committee

MOTION: Mr. Wentworth made the motion to approve the application of Brian Charron or 1 Starbird Avenue, Jonathan Ciampa of 21 Susan Drive, Jacqueline Stone of 101 Winsor Drive and James Keeley of 10 Prospect Hill Drive to the Town Center Master Plan Committee through June 30, 2014; seconded by Mr. Sears and the motion carried 5-0.

The Selectmen Representative will be Jim Wentworth and the Planning Board Representative will be Steve Johnson.

Town Manager

Redemption of 76 Juniper Lane

MOTION: Mr. Sears made the motion to approve the redemption of 76 Juniper Lane as all tax payments have been received in full by the Town of Tewksbury; seconded by Mr. Johnson and the motion carried 5-0.

Other business

The first citizens forum was conducted at the Tewksbury Senior Center today and had a handful of residents attend; department heads did most of talking and made it good discussion with the question and answer forum. The team spent over an hour with residents; good questions used Twitter for questions. Next meeting is tomorrow night 7:00 p.m. at Senior Center.

Minutes

Outstanding Minutes: October 1, 2013 (regular session), October 10, 2013 (regular and executive session); October 22, 2013 (regular session); October 29, 2013 (regular session); November 2, 2013 (regular session)

The Clerk will look into the minutes for October 1, October 10, October 29 and November 2. The Recording Secretary is still working on the October 22 minutes and will present at the next meeting.

Board Member Reports

James Wentworth:

- Congratulations to TMHS Football team next game Saturday 1:30 at Doucette Field
- Excited to go through interview process and to see passion with residents getting involved
- First Tewksbury cheering competition on Columbus Day and raised almost \$7,000 on this event; and with these funds ordered new cheer mats for the team. The town now has 3 cheer groups who compete and the mats will be well used. All through fundraising from competition another cheer competition in February.

Douglas Sears

- Route 38 crews blasting road and repairs; all paid for by state and is a maintenance program
- Letter has gone out to delegation regarding expense in supporting Tewksbury Hospital, no response yet

David Gay:

- December 7th event tree lighting lots of work
 - . Will be held on December 7 from 2 to 7 p.m.

Todd Johnson

- Green Committee met tonight; use of small limited remaining funds from first grant and planning to pursue a second grant; application is due in February—looking forward to ramp up activities
- Question to Town Manager on update on our fire apparatus. Mr. Montuori will have a report at end of week

Scott Wilson:

- No report this evening

The next regularly scheduled Selectmen's Meeting will be held on Tuesday, November 19, 2013 at 7:00 p.m.

Adjournment

MOTION: Mr. Gay made the motion for the Board to adjourn at 10:15 p.m.; Mr. Sears seconded, and the motion carried 5 to 0.

Approved by the Board of Selectmen on November 19, 2014